

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

16-CV-8239 (KBF)

AIRBNB, INC.,

Plaintiff

- v. -

ERIC SCHNEIDERMAN, Attorney General of the
State of New York, in his official capacity; CITY OF
NEW YORK, a municipal corporation; and BILL
DE BLASIO, Mayor of New York City, in his
official capacity,
Defendants

NOTICE OF APPEAL

Notice is hereby given that the following party, Michelle L. McGuirk, proposed Intervenor, *pro se*, hereby asserting right to intervene in the above-named case, appeals to the United States Court of Appeals for the Second Circuit from Orders dated i) January 3, 2017 (Dkt #34) denying requested relief to file to intervene and reconsider a December 5, 2016 Order of Stipulation of Settlement and Dismissal signed by attorneys on Dec. 2, 2016 for the City of New York and Airbnb, Inc. (Dkt #32) and ii) March 9, 2017 (Dkt #38) denying three motions related to reconsider Docket #34 and compel disclosure, both for alleged lack of legal or factual basis. Such Notice is made for proposed Intervenor's intent of a fee-paid appeal.

April 4th, 2017
Dated

Michelle L. McGuirk
Michelle L. McGuirk
Proposed Intervenor

Self Represented Party:

McGuirk, Michelle L.
P.O. Box 369
New York, N.Y. 10113-369
Phone: 646-662-5241
Email: michelle_mcguirk@yahoo.com

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DATE FILED: Apr 04 2017

Counsel for Parties and Interested Party:

Munger, Tolles & Olson, L.L.P. c/o Jonathan H. Blavin 560 Mission Street, 27 th Floor San Francisco, CA 94105	Gibson Dunn & Crutcher, L.L.P. Mylan L. Denerstein 200 Park Avenue New York, N.Y. 10166-0193
Attorney General of the State of New York c/o Andrew Stuart Amer 120 Broadway New York, N.Y. 10271	New York City Law Department c/o Melanie Vogel Sadok 100 Church Street New York, N.Y. 10007
N.Y. County Office of D.A., <i>Interested Party</i> c/o Cyrus R. Vance, Jr., District Attorney Special Litigation Bureau, One Hogan Place New York, N.Y. 10013	

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

16-CV-8239 (KBF)

AIRBNB, INC.,

Plaintiff

- v. -

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official capacity,

Defendants

LETTER MOTION
FOR LEAVE TO FILE

Per Local ECF Rule 13.1, I, Michelle McGuirk, *pro se*, respectfully submit
this letter motion for leave to file i) Motion to Intervene and ii) Motion to Reconsider
after Dec. 5, 2016 Order for alleged settlement amongst parties. As a person with
standing to intervene per Fed.R.Civ.Pr. 24, items to consider to grant relief include:

1. On Nov. 18, 2016 parties were served a pre-motion notice of my intent
to intervene at the next conference after an Oct. 31, 2016 conference was adjourned.
2. My family, disability and income status qualify for protected housing,
with rights to intervene as resident in the City, County and State of N.Y. harmed by
Plaintiff's non-compliance. To my knowledge, parties did not oppose ¶1 in any form.
3. Notice is timely within twenty days of Hon. Forrest's settlement order.
4. Local Rule 7.1(a)(3) requires factual information to decide matters,
with Affidavit, Exhibit and docket history in support of this and proposed relief.
5. Time is of the essence as Plaintiff's related case in N. District of CA
(3:16-3615) with same counsel similarly refuses to voluntarily comply with laws.

6. Request is made in good faith, in comparison to counsel who evaded Local Rule 5.2(b) to seek adjournment. If granted, schedule dates are likely revised.

7. Local Rule 50.3.1 for Related Civil Cases effective Dec. 19, 2016 must be stricken as violating 28 U.S.C. §1654 and Judiciary Act of 1789 §35 which secure rights in *pro se* cases (*plural*). It allegedly grants rights to Clerks to assign cases by a single *pro se* filer as related for judicial economy, a form of bullying to deprive and harm victims/witnesses. Defying laws is cause to clawback all taxpayer-funded pay. WHEREFORE, I respectfully seek leave to file motions to intervene and reconsider.

Dated: New York, New York

December 22, 2016

Michelle J. McGurk
Michelle McGurk, *Pro Se*
P.O. Box 369 New York, NY 10113-369

ordered
The motion is DENIED as
lacking in any legal or factual
basis to grant the relief
requested.

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1/3/17
wsd

1/3/17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AIRBNB, INC.,

Plaintiff,

- against -

CITY OF NEW YORK, a municipal corporation;
and BILL DE BLASIO, Mayor of the City of
New York, in his official capacity,

Defendants.

Case No. 16-cv-8239 (KBF)

X

NY STIPULATION OF SETTLEMENT AND DISMISSAL

WHEREAS, plaintiff Airbnb, Inc. (“Airbnb”) has filed this action which seeks, *inter alia*, to preliminarily and permanently enjoin defendants City of New York and Mayor Bill de Blasio in his official capacity (“Mayor de Blasio,” and jointly with the City of New York, the “City”) from enforcing as against Airbnb New York Multiple Dwelling Law (“MDL”) § 121 and New York City Administrative Code § 27-287.1 (collectively, the “Act”);

WHEREAS, the Act makes it “unlawful to advertise occupancy or use of dwelling units in a class A multiple dwelling for occupancy that would violate” section 4(8) of the MDL, *see* MDL § 121(1); N.Y.C. Admin. Code § 27-287.1(1);

WHEREAS, Airbnb claims that as a hosting platform that allows users to advertise occupancies on its hosting platform, it is not subject to liability under the Act’s aforementioned provisions making it “unlawful to advertise occupancy” for short-term rental of certain Class A multiple dwelling units, *see* MDL § 121(1); N.Y.C. Admin. Code § 27-287.1(1);

WHEREAS, Airbnb's lawsuit alleges that any enforcement or application of the Act against Airbnb by defendants would violate, *inter alia*, Section 230 of the federal Communications Decency Act, 47 U.S.C. § 230;

WHEREAS, Airbnb and the City will continue to work cooperatively on ways to address New York City's permanent housing shortage, including through host compliance with Airbnb's "One Host, One Home" policy; and

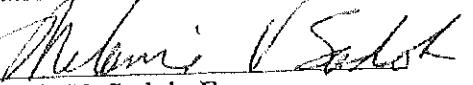
WHEREAS, Airbnb and the City have agreed to resolve this action without an admission of liability;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Airbnb and the City, through their undersigned counsel, that:

1. The City, and its agents, servants, employees, officers, and attorneys, will permanently refrain from taking any action to enforce the Act, including retroactively and/or under any theories of direct or secondary liability, as against Airbnb;
2. Nothing contained herein shall be an admission by any party that they have acted unlawfully or in any way violated any law or regulation or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States of America, the State of New York, the City of New York or any other rules, regulations, or bylaws of any department, agency, or subdivision of the City of New York;
3. Airbnb hereby dismisses this action as against the City without prejudice and without attorney's fees or costs to any party pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure; and
4. Airbnb and the City hereby acknowledge that this Stipulation sets forth all of the terms of their settlement of this action.

Dated: New York, New York
December 2, 2016

ZACHARY W. CARTER
Corporation Counsel of the City of New York

By: 
Melanie V. Sadok, Esq.
100 Church Street
New York, NY 10007
(212) 356-4371
Attorneys for City and De Blasio Defendants

GIBSON, DUNN & CRUTCHER LLP

By: 
Mylan L. Denerstein, Esq.
200 Park Avenue
New York, NY 10166-0193
(212) 351-3850

Attorneys for Plaintiff Airbnb, Inc.

To: All Counsel (by ECF)

Dated: New York, New York
December 5, 2016

SO ORDERED.


KATHERINE B. FORREST
United States District Judge

1/16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AIRBNB, INC.

Plaintiff,

-v-

16-cv-8239 (KBF)

ERIC SCHNEIDERMAN et al.,

ORDER

Defendants.

X
KATHERINE B. FORREST, District Judge:

This action settled and was terminated on December 5, 2016. (ECF Nos. 28, 32.) On December 22, 2016, Michelle McGuirk, proceeding pro se, filed a “letter motion for leave to file i) [a] Motion to Intervene and ii) [a] Motion to Reconsider [the] Dec. 5, 2016 Order for alleged settlement amongst parties.” (ECF No. 33.) The Court denied that motion as lacking in any legal or factual basis to grant the relief requested. (ECF No. 34.)

On March 3, 2017, McGuirk filed three motions seeking essentially the same relief requested in the prior motion. (ECF Nos. 35, 36, 37.) The Court DENIES these motions, as they too lack any legal or factual basis to grant the relief requested.

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DATE FILED: March 9, 2017

The Clerk of Court is directed to terminate the motions at ECF Nos. 35, 36, and 37.

SO ORDERED.

Dated: New York, New York
 March 9, 2017

Katherine B. Forrest

KATHERINE B. FORREST
United States District Judge

-----x

AIRBNB, INC.,

Plaintiff,

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ERIC SCHNEIDERMAN, Attorney General of the
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Defendants

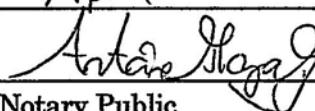
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AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF NEW YORK:

I, Michelle McGuirk, proposed Intervenor, declare under penalty of perjury
on April 4, 2017 a copy of Notice of Appeal; Dec. 5, 2016 Stipulation of Settlement
and Dismissal and Jan. 3 and March 9, 2017 Orders of Hon. Katherine B. Forrest,
were served by priority mail in postage-paid envelopes under exclusive custody of
the U.S. Postal Service to parties and interested party:

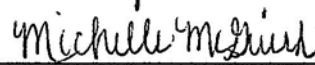
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N.Y. County Office of D.A., <i>Interested Party</i> c/o Cyrus R. Vance, Jr., District Attorney Special Litigation Bureau, One Hogan Place New York, N.Y. 10013	

Sworn to before me this 4 day of
April, 2017.



Notary Public

Dated: April 4th, 2017



Michelle McGuirk, Intervenor, *Pro Se*
P.O. Box 369, New York, NY 10113-369

ANTOINE GONZALEZ
Notary Public, State of New York
Reg. No. 04GO6343556
Qualified in New York County
Commission Expires June 13, 2020